

Please type a plus sign (+) inside this box →

37316
PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

		TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/985,719
Total Number of Pages in This Submission	8 pages (1 Reference)	Filing Date	November 6, 2001	
		First Named Inventor	Allen	
		Group/Art Unit	3731	
		Examiner Name	E. Robert	
		Attorney Docket Number	Allen 701.502	

ENCLOSURES (check all that apply)

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached | <input type="checkbox"/> Assignment Papers
<i>(for an Application)</i>
<input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> Petition Routing Slip (PTO/SB/69)
and Accompanying Petition
<input type="checkbox"/> Petition to Convert to a
Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation
Change of Correspondence Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Small Entity Statement
<input type="checkbox"/> Request for Refund | <input type="checkbox"/> After Allowance Communication
to Group
<input type="checkbox"/> Appeal Communication to Board
of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to Group
<i>(Appeal Notice, Brief, Reply Brief)</i>
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input type="checkbox"/> Additional Enclosure(s)
<i>(please identify below):</i>

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TECHNOLOGY CENTER R3700 |
| Remarks | | |
- Response to Restriction Requirement
 After Final
 Version with Markings Showing Changes
 Affidavits/declaration(s)
- Extension of Time Request
- Information Disclosure Statement
- Certified Copy of Priority Document(s)
- Response to Missing Parts/
Incomplete Application
- Response to Missing Parts under 37 CFR 1.52 or 1.53

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	James R. Shay, Reg. No. 32,062, WILSON SONSINI GOODRICH & ROSATI		
Signature			
Date	September 30, 2003	Customer Number:	021971

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service under 37 C.F.R. §1.8 on the date indicated below and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

September 30, 2003

Typed or printed name	Annette Palladino		
Signature		Date	September 30, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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JC 6
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PATENT & TRADEMARK OFFICE

FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

*Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12.
See 37 C.F.R. §§ 1.27 and 1.28.*

TOTAL AMOUNT OF PAYMENT	(\$) 55.00
--------------------------------	-------------------

<i>Complete if Known</i>	
Application Number	09/985,719
Filing Date	November 6, 2001
First Named Inventor	Allen
Examiner Name	E. Robert
Group/Art Unit	3732
Attorney Docket Number	Drew Allen 701.502

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number **23-2415 (Docket No. Drew Allen 701.502)**

Deposit Account Name **Wilson Sonsini Goodrich & Rosati**

- Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

2. Payment Enclosed:

Check Money Order Other

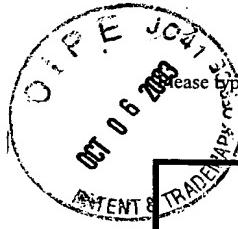
FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	\$55.00
116	410	216	205	Extension for reply within second month	
117	930	217	465	Extension for reply within third month	
118	1,450	218	725	Extension for reply within fourth month	
128	1,970	228	985	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))	
Other fee (specify)					
Other fee (specify)				55/110	Terminal Disclaimer
* Reduced by Basic Filing Fee Paid				SUBTOTAL (3)	\$55.00

SUBTOTAL (2) **(\$)** 0**SUBTOTAL (3)** **(\$)** 0*Complete if applicable*

Name (Print/Type)	James R. Shay	Registration No. (Attorney/Agent)	32,062	Telephone	650-493-9300
Signature		Date	September 30, 2003	Customer No.	021971

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Receipt

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

8

Application Number	09/985,719
Filing Date	November 6, 2001
First Named Inventor	Allen
Group/Art Unit	3732
Examiner Name	E. Robert
Total Number of Pages in This Submission	8
Attorney Docket Number	Allen 701.502

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment <input checked="" type="checkbox"/> Supplemental Request for Corrected Filing Receipt <input type="checkbox"/> Extension of Time Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Additional Enclosure(s) (please identify below): <div style="border: 1px solid black; height: 40px; width: 100%;"></div>
Remarks		

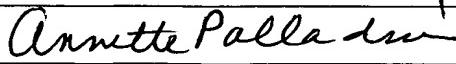
SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	James R. Shay, Reg. No. 32,062, WILSON SONSINI GOODRICH & ROSATI		
Signature			
Date	October 1, 2003	Customer Number:	021971

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service under 37 C.F.R. §1.8 on the date indicated below and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

October 1, 2003

Typed or printed name	Annette Palladino		
Signature		Date	October 1, 2003

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Attorney Docket No. Allen 701.502

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Drew Allen) Group Art Unit: 3732
Serial Number: 09/985,719)
Filing Date: November 6, 2001) Examiner: E. Robert
Title Compression Bone Staple,
Apparatus And Method)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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TECHNOLOGY CENTER R370

SUPPLEMENTAL REQUEST FOR CORRECTED FILING RECEIPT

Sir:

There are errors with respect to the following, which are omitted, or misspelled:

Error in
Applicant(s) names

Correct data

Applicant(s) addresses

Priority Information

THIS APPLICATION IS A CON OF 09/500,060 02/08/2000 PAT 6,348,054
WHICH IS A CIP OF 09/299,285 04/26/1999 PAT 6,059,787

Entity Status

There is no fee due under 37 C.F.R. § 1.19(h). However, the Commissioner is authorized to charge any fees which may be required, to Deposit Account No. 23-2415 (Docket No. Allen 701.502)

Issuance of a corrected Filing Receipt is respectfully requested.

Respectfully submitted,

Dated: 10/14/03

By:

James R. Shay, Reg. No. 32,062

WILSON SONSINI GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, CA 94304-1505
(650)493-9300



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/985,719	11/06/2001	3731	435		7	12	3

CONFIRMATION NO. 4301

Charles C. Corbin
 P.O. Box 873, HMDX
 Hamilton,
 BERMUDA

UPDATED FILING RECEIPT



OC00000008628607

Date Mailed: 08/15/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Drew Allen, San Jose, CA;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 09/500,060 02/08/2000 PAT 6,348,054

AND IS A CON OF 09/299,285 04/26/1999 PAT 6,059,787

-- WHICH IS A CIP OF 09/299,285 04/26/1999 PAT 6,059,787 --

Foreign Applications

If Required, Foreign Filing License Granted 11/28/2001

Projected Publication Date: 11/21/2002

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

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TECHNOLOGY CENTER R3700

Title

Compression bone staple, apparatus and method

Preliminary Class

606



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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/985,719	11/06/2001	Drew Allen	

CONFIRMATION NO. 4301

Drew Allen
3970 Teale Ave.
San Jose, CA 95117



OC000000011023915

Date Mailed: 10/10/2003

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Publication and General Rules Issues

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- The articles such as "a", "an", and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new", "improved", "improvement of", "improvement in", or "improvement relating to" are not included as the first words in the title of an application because a patent application is, by nature, a new idea or improvement. See MPEP 606.
- The title appears on the filing receipt in sentence case for publication in the Annual Index of Patents.
- Amendments are not accepted in provisional applications. See 37 CFR 1.53(c).

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- Another amendment is needed to make this change.

TECHNOLOGY CENTER R3700

- The inventor's residence will only include the city and state for U.S. residences or city and country for residences outside the U.S. (See MPEP 605.02.)

- Continuity claimed under 35 USC 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification.

- Small entity status was previously claimed in this application. To notify the Office of a loss of entitlement to small entity status, see 37 CFR 1.27(g). To have a good faith error in claiming



RECEIPT

Attorney Docket No. Allen 701.502

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Drew Allen) Group Art Unit: 3732
Serial Number: 09/985,719) Examiner: E. Robert
Filing Date: November 6, 2001)
Title **Compression Bone Staple,**
Apparatus And Method)

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TECHNOLOGY CENTER R370A

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CORRECTED FILING RECEIPT

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Correct data

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AND IS A CON OF 09/299,285 04/26/1999 PAT 6,059,787**

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Respectfully submitted,

Dated: 9/30/03 By: James R. Shay
James R. Shay, Reg. No. 32,062

WILSON SONSINI GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, CA 94304-1505
(650)493-9300



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/985,719	11/06/2001	3731	435		7	12	3



Charles C. Corbin
 P.O. Box 873, HMDX
 Hamilton,
 BERMUDA

CONFIRMATION NO. 4301

UPDATED FILING RECEIPT



OC000000008628607

Date Mailed: 08/15/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

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Drew Allen, San Jose, CA;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 09/500,060 02/08/2000 PAT 6,348,054
 AND IS A CON OF 09/299,285 04/26/1999 PAT 6,059,787 *← Delete*

Foreign Applications

If Required, Foreign Filing License Granted 11/28/2001

Projected Publication Date: 11/21/2002

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

RECEIVED

OCT 16 2003

TECHNOLOGY CENTER R3700

Title

Compression bone staple, apparatus and method

Preliminary Class

606

— small entity status excused, see 37 CFR 1.28(c).

- The request for non-publication was not timely filed. A request for non-publication must be submitted upon filing of an application. The application is scheduled to be published on the date specified on the filing receipt. See 37 CFR 1.213(a)(1)
- The request for non-publication has not been recognized because it is not conspicuous as required by 37 CFR 1.213(a)(2)
- The request for non-publication has not been recognized because it does not contain the certification as required by 37 CFR 1.213(a)(3).
- The request for non-publication has not been recognized because it is not signed in compliance with 37 CFR 1.33(b) as required by 37 CFR 1.213(a)(4).
- There was no prior request for non-publication in this application. The request to rescind the non-publication request will not be processed.
- Your request for non-publication will not be acknowledged because this application is not eligible for publication. Only utility and plant applications filed on or after November 29, 2000 are eligible for publication.
- The "Non-Publication Request" indicator is correct. If there was a proper request submitted at the time of filing, the notation on the filing receipt will be "Yes". If no such request was made, the notation will be "No".
- Assignment information will only be included for applications that are eligible for publication.

Haimanot Tegbamu
Customer Service Center
Office of Initial Patent Examination
(703) 308-1202